

kgw/jo/2004R01136

**RECEIVED****FEB 15 2006**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**AT 8:30  
WILLIAM T. WALSH  
CLERK**

UNITED STATES OF AMERICA :  
 : Criminal No. 06-110(GEB)  
 :  
 v. : 18 U.S.C. § 371  
 :  
 : I N F O R M A T I O N  
 FERNANDO DOVALE :

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information, Title 21, United States Code, Section 353(e)(2)(A), required a person engaging in the wholesale distribution of certain prescription drugs in interstate commerce to be licensed by the State in which he was conducting business.

2. At all times relevant to this Information, the following brand-name prescription drugs could not be distributed by wholesalers in interstate commerce unless the wholesaler was licensed by the State, as described in paragraph 1: Combivir, Epivir, Lexiva, Nevirapine, Reyataz, Sustiva, Videx, Viramune, Viread, Zerit, Ziagen, and Zyprexa.

3. At all times relevant to this Information, neither defendant FERNANDO DOVALE nor A.M., who is referred to herein as a coconspirator but not as a defendant, possessed a wholesaler's license, as described in paragraph 1, which would thereby permit him to distribute the prescription drugs listed in paragraph 2.

4. From in or about June 2003 through in or about September 2004, in Bergen County, in the District of New Jersey, and elsewhere, defendant

FERNANDO DOVALE

did knowingly and willfully conspire and agree with A.M. and with others to engage in the wholesale distribution in interstate commerce of prescription drugs that were subject to Title 21, United States Code, Section 353(b), at a time when he was not licensed in the State of New Jersey to engage in the wholesale distribution of prescription drugs, contrary to Title 21, United States Code, Sections 331(t), 333(b)(1)(D), and 353(e)(2)(A).

OVERT ACTS

5. In furtherance of the conspiracy and in order to effect the object thereof, defendant FERNANDO DOVALE and his coconspirators committed and caused to be committed the following acts in the District of New Jersey and elsewhere:

a. On or about May 25, 2004, defendant FERNANDO DOVALE and A.M. sold to an individual large quantities of the prescription drugs Combivir, Epivir, Lexiva, Nevirapine, Reyataz, Sustiva, Videx, Viramune, Viread, Zerit, Ziagen, and Zyprexa.

b. On or about August 6, 2004, defendant FERNANDO DOVALE sold to an individual large quantities of the prescription drugs Epivir, Sustiva, Viread, and Ziagen.

In violation of Title 18, United States Code, Section 371.

  
CHRISTOPHER J. CHRISTIE  
UNITED STATES ATTORNEY

CASE NUMBER:

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United States District Court  
District of New Jersey

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UNITED STATES OF AMERICA

v.

FERNANDO DOVALE

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INFORMATION CHARGING  
VIOLATION OF

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18 U.S.C. § 371

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